

## Definitions

40-12-1

### **RULES OF GEORGIA DEPARTMENT OF AGRICULTURE SEED DIVISION**

#### **CHAPTER 40-12-1 DEFINITIONS**

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###### **40-12-1-.01 Definitions**

**40-12-1-.01 Definitions.** Terms used in these Rules are defined as follows:

(1) 'Commissioner' means the Commissioner of Agriculture or the designated section or employee employed by the Department of Agriculture of this state.

(2) 'Seed Dealer' means any person who sells seed, including persons who label seed, transfer and market seed within the trade or sell seed to purchasers, except for farmers or other persons that sell seed they produced and sell it as such at his or her own farm and he or she do not advertise or transfer it by any public carrier.

Authority O.C.G.A. 2-11-28.

## Seed Testing Protocol and Statistical Tolerances

Chapter 40-12-2

### **RULES OF GEORGIA DEPARTMENT OF AGRICULTURE SEED DIVISION**

#### **CHAPTER 40-12-2 SEED TESTING PROTOCOL AND STATISTICAL TOLERANCES**

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###### **40-12-2-.01 Seed Testing Protocol**

###### **40-12-2-.02 Statistical Tolerances**

**40-12-2-.01 Seed Testing Protocol.** The terms used in seed testing and the methods of sampling, inspecting, testing, analyzing and examining agricultural, vegetable, flower, tree and shrub seeds shall be prescribed by the Commissioner of the Georgia Department of Agriculture after giving due consideration to those adopted by the Association of Official Seed Analysts effective October 1, 1996.

Authority O.C.G.A. 2-11-28.

**40-12-2-.02 Statistical Tolerances.** The statistical tolerances applicable to seed labeling of purity analysis, noxious weed seeds, germination percentage and other required factors to be followed in the administration of the Georgia Seed Law shall be prescribed by the Commissioner of the Georgia Department of Agriculture after giving due consideration to those adopted by the Association of Official Seed Analysts effective October 1, 1996.

Authority O.C.G.A. 2-11-28.

**RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE  
SEED DIVISION**

**CHAPTER 40-12-3  
STANDARDS**

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**40-12-3-.01 Agricultural Seed Quality Standards.**

(1) Agricultural seed purity standards are as follows:

(a) The percent inert matter shall not exceed 3 percent for hybrid field corn, nor 4 percent inert matter for other agricultural crop seed, with the following exceptions:

1. Exotic, native and range grasses normally marketed at high inert matter levels shall have no maximum inert matter limitation and shall be labeled to show the percent inert matter present.

2. The following agricultural crop kinds shall have inert matter limitations as indicated:

- |                                  |     |
|----------------------------------|-----|
| (i) Bahiagrass, Argentine .....  | 20% |
| (ii) Bahiagrass, Pensacola ..... | 10% |
| (iii) Cowpea (Southernpea) ..... | 5%  |
| (iv) Peanut .....                | 5%  |
| (v) Orchardgrass .....           | 8%  |

**Chapter 40-12-3****Standards**

<u>Kind</u>	<u>Maximum Percent</u> <u>Inert Matter</u>
(vi) Soybean .....	2%
(vii) Triticale.....	10%

(b) The percent weed seed labeled shall comply with the following requirements:

1. The labeled percent weed seed shall not exceed the following limitations for major crop seed as indicated:

<u>Kind</u>	<u>Maximum Percent</u> <u>Weed Seed</u>
(i) Corn .....	None
(ii) Cotton .....	0.05%
(iii) Peanut .....	0.2 %
(iv) Soybean .....	0.2 %

2. The percent weed seed labeled for crops not listed shall not exceed 1.0%, except for a maximum weed seed limitation of 2.0% for lawn, turf and forage grasses.

(2) Agricultural seed shall have a minimum germination of 70%, including hard seed or dormant seed, except for the following crop kinds:

(a) Cowpeas, crotalaria, and millet, including hard seed or dormant seed, shall have a minimum germination of 60%.

(b) Peanut seed lots germinating below 70%, but not less than 60%, may be sold by stating 'below standard' in not less than 8 point type on the seed label and all invoices.

(c) Field corn shall have a minimum germination of 90%.

(d) Kobe Striate Lespedeza seed lots, or mixtures containing such

kind and variety, germinating below 70%, but not less than 50%, may be sold by stating 'below standard' in not less than 8-point type on the seed label and all invoices.

Authority O.C.G.A. 2-11-28.

**40-12-3-.02 Vegetable and Herb Seed Germination Standards.**

(1) The following standards for the germination of vegetable seed are hereby adopted:

<u>Kind</u>	<u>% Germination</u>	<u>Kind</u>	<u>% Germination</u>
(a) Anise .....	50	(pp) Fennel, Florence .....	60
(b) Artichoke .....	60	(qq) Fennel, sweet .....	50
(c) Asparagus .....	70	(rr) Kale .....	75
(d) Asparagusbean .....	75	(ss) Kale, Chinese .....	75
(e) Basil, sweet .....	70	(tt) Kale, Siberian .....	75
(f) Bean, garden.....	70	(uu) Kohlrabi.....	75
(g) Bean, lima.....	70	(vv) Leek .....	60
(h) Bean, runner .....	75	(ww) Lettuce .....	80
(i) Beet.....	65	(xx) Melon.....	75
(j) Broadbean.....	75	(yy) Mustard, India .....	75
(k) Broccoli .....	75	(zz) Mustard, spinach.....	75
(l) Brussels sprouts.....	70	(aaa) Okra.....	50
(m) Burdock, great .....	60	(bbb) Onion .....	70
(n) Cabbage .....	75	(ccc) Onion, Welsh .....	70
(o) Cabbage, tronchuda.....	70	(ddd) Marjoram, sweet .....	50
(p) Caraway .....	55	(eee) Oregano .....	60
(q) Cardoon .....	60	(fff) Pak-choi .....	75
(r) Carrot.....	55	(ggg) Parsley.....	60
(s) Cauliflower .....	75	(hhh) Parsnip .....	60
(t) Celeriac.....	55	(iii) Pea.....	80
(u) Celery.....	55	(jjj) Peanut .....	70
(v) Chard, Swiss.....	65	(kkk) Pepper .....	75
(w) Chervil, Salad .....	65	(lll) Pumpkin.....	75
(x) Chicory .....	65	(mmm) Radish .....	75
(y) Chinese cabbage.....	75	(nnn) Rhubarb.....	60
(z) Chives .....	50	(ooo) Rutabaga .....	75
(aa) Citron .....	65	(ppp) Roquette.....	60
(bb) Collards.....	80	(qqq) Rosemary .....	30
(cc) Coriander.....	70	(rrr) Sage.....	75

**Chapter 40-12-3****Standards**

<u>Kind</u>	<u>% Germination</u>	<u>Kind</u>	<u>% Germination</u>
(dd) Corn, Pop .....	75	(sss) Salsify .....	75
(ee) Corn, sweet.....	75	(ttt) Savory, summer .....	55
(ff) Cornsalad.....	70	(uuu) Sorrel .....	65
(gg) Cowpea .....	75	(vvv) Spinach .....	60
(hh) Cress, garden.....	75	(www) Spinach, New Zealand .....	40
(ii) Cress, upland .....	60	(xxx) Squash.....	75
(jj) Cress, water.....	80	(yyy) Thyme .....	50
(kk) Cucumber .....	60	(zzz) Tomato.....	75
(ll) Dandelion.....	60	(aaaa) Tomato, husk .....	50
(mm) Dill .....	60	(bbbb) Turnip .....	80
(nn) Eggplant.....	70	(cccc) Watermelon .....	70
(oo) Endive .....	70		

(2) The minimum germination standard for all other vegetable and herb seed, for which a standard has not been established, shall be 50%.

(3) Pursuant to Code section 2-11-22 (f) (4), seed that germinate less than the standard last established by the Commissioner shall have 'below standard' printed or written with permanence on the face of the label, in addition to the other information required, provided that no seed marked 'below standard' shall be sold if it falls more than 20 percent below the established standard for such seed. No seed may be labeled 'below standard' that has a germination standard of 50 percent or less.

(4) For cowpeas and peanuts in containers of five (5) pounds or more, agricultural seed labeling requirements and germination standards shall apply as specified in Code section 2-11-22 and Rules section 40-12-3-.01, respectively.

Authority O.C.G.A. 2-11-28.

**Chapter 40-12-3****Standards****40-12-3-.03 Minimum Sample Size for Seed Analysis.**

The following minimum sample sizes are required when submitting seed for laboratory analysis.

KIND	PURITY ONLY OR PURITY & GERMINATION*	GERMINATION ONLY*
AESCHYNOMENE	1/4 lb.	1/8 lb.
ALFALFA	1/4 lb.	1/8 lb.
ALYCECLOVER	1/4 lb.	1/8 lb.
BAHIA, PENSACOLA	1/4 lb.	1/8 lb.
BAHIA, OTHER	1/4 lb.	1/8 lb.
BARLEY	1 lb.	1/2 lb.
BENTGRASS	1 oz.	1/2 oz.
BERMUDAGRASS	1 oz.	1/2 oz.
BLUEGRASS	1 oz.	1/2 oz.
BUCKWHEAT	1 lb.	1/2 lb.
CANE	1 lb.	1/4 lb.
CANOLA (RAPE)	1/4 lb.	1/8 lb.
CARPETGRASS	1 oz.	1/2 oz.
CENTIPEDE	1 oz.	1/2 oz.
CHUFA	1 lb.	1/2 lb.
CLOVER	1/4 lb.	1/8 lb.
CORN	2 lbs.	1 lb.

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KIND	PURITY ONLY OR PURITY & GERMINATION*	GERMINATION ONLY*
CORN, POP	1 lb.	1/2 lb.
COTTON	1 lb.	1/2 lb.
COWPEA	1 lb.	1/2 lb.
CROWNVETCH	1/4 lb.	1/8 lb.
FESCUE (ALL)	1/4 lb.	1/8 lb.
FLOWER SEED	2500 seeds	400 seeds
HERB SEED	2500 seeds	400 seeds
JOHNSONGRASS	1/4 lb.	1/8 lb.
LAWN MIXTURES	1/4 lb.	1/8 lb.
LESPEDEZA (ALL)	1/4 lb.	1/8 lb.
LOVEGRASS, WEEPING	1 oz.	1/2 oz.
LUPINE	1 lb.	1/2 lb.
MILLET	1/4 lb.	1/8 lb.
OAT	1 lb.	1/2 lb.
ORCHARDGRASS	1/4 lb.	1/8 lb.
PARTRIDGE PEA	1/4 lb.	1/8 lb.
PASPALUM NICORAE	1/4 lb.	1/8 lb.
PEANUT	2 lbs.	1 lb.
RED TOP	1 oz.	1/2 oz.

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KIND	PURITY ONLY OR PURITY & GERMINATION*	GERMINATION ONLY*
RICE	1 lb.	1/2 lb.
RYE	1 lb.	1/2 lb.
RYEGRASS	1/4 lb.	1/8 lb.
SESAME	1/4 lb.	1/8 lb.
SESBANIA	1/4 lb.	1/8 lb.
SORGHUM	1 lb.	1/2 lb.
SOYBEAN	1 lb.	1/2 lb.
ST. AUGUSTINE GRASS	1 oz.	1/2 oz.
SUDANGRASS	1 lb.	1/2 lb.
SUNFLOWER	1 lb.	1/2 lb.
TIMOTHY	1 oz.	1/2 oz.
TOBACCO	1 oz.	1/4 oz.
TREFOIL	1/4 lb.	1/8 lb.
TRITICALE	1 lb.	1/2 lb.
VEGETABLE (V1)	2500 seeds	1/4 lb.
VEGETABLE (V2)	2500 seeds	1/2 lb.
VEGETABLE (V3)	2500 seeds	1 lb.
VELVET BEAN	2 lbs.	1 lb.
VETCH	1 lb.	1/2 lb.



KIND	PURITY ONLY OR PURITY & GERMINATION*	GERMINATION ONLY*
WHEAT	1 lb.	1/2 lb.
WINTERPEA, AUSTRIAN	1 lb.	1/2 lb.
ZOYSIA	1 oz.	1/2 oz.
<p style="text-align: center;">VEGETABLES</p> <p>V1 ASPARAGUS, BROCCOLI, BRUSSEL SPROUTS, CABBAGE, CAULIFLOWER, CELERY, COLLARDS, EGGPLANT, KALE, LETTUCE, MUSTARD, ONION, PARSNIP, PEPPER, RADISH, RAPE, RHUBARB, TOMATO, TURNIP.</p> <p>V2 ARTICHOKE, BEETS, CANTALOUPE, CUCUMBER, OKRA, SPINACH, SWISS CHARD AND HYBRID SEED OF PUMPKIN, SQUASH AND WATERMELON.**</p> <p>V3 BEANS, GOURDS, PEAS, PUMPKIN, NEW ZEALAND SPINACH, SQUASH, WATERMELON.**</p> <hr/> <p>NOTE: * THESE ARE MINIMUM AMOUNTS OF SEED REQUIRED FOR TESTING. ADDITIONAL TESTS MAY REQUIRE MORE SEED.</p> <p style="text-align: center;">** IF THE AMOUNT OF SEED IS LIMITED PLEASE SUBMIT 400 SEEDS FOR GERMINATION TEST ONLY OR CALL THE GEORGIA STATE SEED LABORATORY IN ATLANTA OR TIFTON FOR MORE INFORMATION.</p>		

## Chapter 40-12-3

## Standards

## 40-12-3-.04 Flower Seed Germination Standards.

(1) The following standards for the germination of flower seeds are hereby adopted. For the kinds marked with an asterisk (\*), the standard shown includes the total of germination and hard seed percentages.

<u>Kind</u>	<u>% Germination</u>
(a) Achillea (The Pearl) - <i>Achillea ptarmica</i>	50
(b) African Daisy or Cape Marigold - <i>Castalis tragus</i> (syn. <i>Dimorphotheca aurantiaca</i> )	55
(c) African Violet - <i>Saintpaulia</i> spp.	30
(d) Ageratum - <i>Ageratum mexicanum</i>	60
(e) Agrostemma (rose campion) - <i>Lychnis coronaria</i> (syn. <i>Agrostemma coronaria</i> )	65
(f) Alyssum - <i>Alyssum compactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>	60
(g) Amaranthus - <i>Amaranthus</i> spp.	65
(h) Anagallis (pimpernel) - <i>Anagallis arvensis</i> , <i>A. coerulea</i> , <i>A. grandiflora</i>	60
(i) Anemone - <i>Anemone coronaria</i> , <i>Pulsatilla vulgaris</i> (syn. <i>A. pulsatilla</i> )	55
(j) Angel's Trumpet - <i>Datura arborea</i>	60
(k) Arabis - <i>Arabis alpina</i>	60
(l) Arctotis (African-daisy, lilac) - <i>Arctotis</i> <i>stoechadifolia</i> var. <i>grandis</i>	45
(m) Armeria - <i>Armeria formosa</i>	55
(n) Asparagus, fern - <i>Asparagus plumosus</i>	50
(o) Asparagus, Sprenger - <i>Asparagus densiflorus</i> cv. <i>sprengeri</i>	55
(p) Aster, China - <i>Callistephus chinensis</i> ; except Pompon, Powderpuff, and Princess types	55
(q) Aster, China - <i>Callistephus chinensis</i> ; Pompon, Powderpuff and Princess types	50
(r) Aubrieta - <i>Aubrieta deltoidea</i>	45

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## Standards

(s) Baby Smilax - <i>Asparagus asparagoides</i>	25
(t) Balsam - <i>Impatiens balsamina</i>	70
(u) Begonia - <i>Begonia</i> spp. (fibrous rooted)	60
(v) Begonia - <i>Begonia</i> spp. (tuberous rooted)	50
(w) Bells of Ireland - <i>Moluccella laevis</i>	60
(x) Brachycome (Swan River daisy) - <i>Brachycome</i> <i>iberidifolia</i>	60
(y) Browallia - <i>Browallia elata</i> and <i>B. speciosa</i>	65
(z) Bupththalmum (sunwheel) - <i>Bupththalmum salicifolium</i>	60
(aa) Calceolaria - <i>Calceolaria</i> spp.	60
(bb) Calendula - <i>Calendula officinalis</i>	65
(cc) California-poppy - <i>Eschscholzia californica</i>	60
(dd) Calliopsis - <i>Coreopsis bicolor</i> , <i>C. drummondii</i> , <i>C. elegans</i>	65
Campanula:	
(ee) Canterbury bells - <i>Campanula medium</i>	60
(ff) Cup and saucer bellflower - <i>Campanula medium</i> cv. <i>calycanthema</i>	60
(gg) Carpathian bellflower - <i>Campanula carpatica</i>	50
(hh) Peach bellflower - <i>Campanula persicifolia</i>	50
(ii) Candytuft, annual - <i>Iberis mara</i> , <i>I. umbellata</i>	65
(jj) Candytuft, perennial - <i>Iberis gibraltarica</i> , <i>I. sempervirens</i>	55
(kk) Castorbean - <i>Ricinus communis</i>	60
(ll) Cathedral bells - <i>Cobaea scandens</i>	65
(mm) Celosia - <i>Celosia argentea</i>	65
Centaurea:	
(nn) Basket flower - <i>Centaurea americana</i> ; Corn flower - <i>C. cyanus</i> ; Dusty-miller - <i>C. cineraria</i> ; Royal centaurea - <i>C. imperialis</i> ; Sweet sultan - <i>C. moschata</i> ; Velvet Centaurea - <i>C. gymnocarpa</i>	60
(oo) Cerastium (Snow-in-summer) - <i>Cerastium</i> <i>biebersteinii</i> and <i>C. tomentosum</i>	65
(pp) Chinese forget-me-not - <i>Cynoglossum amabile</i>	55

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## Standards

<u>Kind</u>	<u>% Germination</u>
(qq) Chrysanthemum, annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i> .....	40
(rr) Cineraria - <i>Senecio cruentus</i> .....	60
(ss) Clarkia - <i>Clarkia elegans</i> .....	65
(tt) Cleome - <i>Cleome gigantea</i> .....	65
(uu) Coleus - <i>Coleus blumei</i> .....	65
(vv) Columbine - <i>Aquilegia</i> spp. ....	50
(ww) Coral bells - <i>Heuchera sanguinea</i> .....	55
(xx) Coreopsis, perennial - <i>Coreopsis lanceolata</i> .....	40
(yy) Corn, ornamental - <i>Zea mays</i> .....	75
Cosmos:	
(zz) Sensation, Mammoth and Crested types - <i>Cosmos bipinnatus</i> ; Klondyke type - <i>C. sulphureus</i> .....	65
(aaa) Crossandra - <i>Crossandra infundibuliformis</i> .....	50
(bbb) Dahlia - <i>Dahlia</i> spp. ....	55
(ccc) Daylily - <i>Hemerocallis</i> spp. ....	45
Delphinium:	
(ddd) Perennial - Belladonna and Bellamosum types; Cardinal larkspur - <i>Delphinium cardinale</i> ; Chinensis types - Pacific giant, Gold medal and other hybrids of <i>D. elatum</i> .....	55
Dianthus:	
(eee) Carnation - <i>Dianthus caryophyllus</i> .....	60
(fff) China Pinks - <i>Dianthus chinensis</i> , <i>D. heddwigi</i> , <i>D. heddensis</i> .....	70
(ggg) Grass Pinks - <i>Dianthus plumarius</i> .....	60
(hhh) Maiden Pinks - <i>Dianthus deltoides</i> .....	60
(iii) Sweet William - <i>Dianthus barbatus</i> .....	70
(jjj) Sweet Wivelsfield - <i>Dianthus X allwoodi</i> .....	60
(kkk) Didiscus - (blue lace flower) - <i>Didiscus</i> <i>coeruleus</i> .....	65
(lll) Doronicum (Caucasian leopardbane) - <i>Doronicum</i> <i>orientale</i> .....	60

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<u>Kind</u>	<u>% Germination</u>
(mmm) Dracaena - <i>Dracaena indivisa</i> .....	55
(nnn) Dragon tree - <i>Dracaena draco</i> .....	40
(ooo) English daisy - <i>Bellis perennis</i> .....	55
Flax:	
(ppp) Golden flax - <i>Linum flavum</i> ; Flowering Flax - <i>L. grandiflorum</i> ; Perennial Flax - <i>L. perenne</i> .....	60
(qqq) Flowering maple - <i>Abutilon</i> spp. ....	35
(rrr) Foxglove - <i>Digitalis</i> spp. ....	60
Gaillardia:	
(sss) Annual - <i>Gaillardia pulchella</i> , <i>G. picta</i> ; Perennial - <i>G. grandiflora</i> .....	45
(ttt) Gerbera (Transvaal Daisy) - <i>Gerbera jamesoni</i> .....	60
(uuu) Geum - <i>Geum</i> spp. ....	55
(vvv) Gilia - <i>Gilia</i> spp. ....	65
(www) Gloriosa daisy (Rudbeckia) - <i>Echinacea</i> <i>purpurea</i> and <i>Rudbeckia hirta</i> .....	60
(xxx) Gloxinia - <i>Sinningia speciosa</i> .....	40
(yyy) Godetia - <i>Clarkia amoena</i> , <i>C. concinna</i> (syn. <i>Godetia</i> spp.) .....	65
Gourds:	
(zzz) Yellow flowered - <i>Cucurbita pepo</i> ; White flowered - <i>Lagenaria sisceraria</i> ; Dishcloth - <i>Luffa aegyptiaca</i> .....	70
Gypsophila:	
(aaaa) Annual baby's breath - <i>Gypsophila elegans</i> ; Perennial baby's breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i> .....	70
(bbbb) Helichrysum - <i>Helichrysum monstrosum</i> .....	60
(cccc) Heliopsis - <i>Heliopsis scabra</i> .....	55
(dddd) Heliotrope - <i>Heliotropium</i> spp. ....	35
(eeee) Helipterum (acroclinium) - <i>Helipterum roseum</i> .....	60
(ffff) Hesperis (sweet rocket) - <i>Hesperis matronalis</i> .....	65
(gggg)*Hollyhock - <i>Alcea rosea</i> (syn. <i>Althea rosea</i> ) .....	65

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## Standards

<u>Kind</u>	<u>% Germination</u>
(hhhh) Hunnemannia (Mexican tulip-poppy)- <i>Hunnemannia fumariifolia</i> .....	60
(iiii) Hyacinth Bean - <i>Lablab purpureus</i> (syn. <i>Dolichos lablab</i> ).....	70
(jjjj) Impatiens - <i>Impatiens hostii</i> , <i>I. sultani</i> .....	55
*Ipomoea:	
(kkkk) Cypress vine - <i>Ipomoea quamoclit</i> ; Moonflower - <i>I. turbinata</i> ; Morning-glories, Cardinal climber, Hearts and Honey Vine - <i>Ipomoea</i> spp. ....	75
(llll) Jerusalem Cross (Maltese cross) - <i>Lychnis chalconica</i> .....	70
(mmmm) Job's Tears - <i>Coix lacryma-jobi</i> .....	70
(nnnn) Kochia - <i>Kochia childsii</i> .....	55
(oooo) Larkspur, annual - <i>Consolida ajacis</i> (syn. <i>Delphinium ajacis</i> ).....	60
(pppp) Lantana - <i>Lantana camara</i> , <i>L. hybrida</i> .....	35
(qqqq) Lilium (regal lily) - <i>Lilium regale</i> .....	50
(rrrr) Linaria - <i>Linaria</i> spp. ....	65
(ssss) Lobelia, edging - <i>Lobelia erinus</i> .....	65
(tttt) Lunaria, annual - <i>Lunaria annua</i> .....	65
(uuuu)*Lupine - <i>Lupinus</i> spp. ....	65
(vvvv) Marigold - <i>Tagetes</i> spp. ....	65
(wwww) Marvel of Peru - <i>Mirabilis jalapa</i> .....	60
(xxxx) Matricaria (feverfew) - <i>Matricaria</i> spp. ....	60
(yyyy) Mignonette - <i>Reseda odorata</i> .....	55
(zzzz) Myosotis - <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. palustris</i> .....	50
(aaaaa) Nasturtium - <i>Tropaeolum</i> spp. ....	60
(bbbbb) Nemesis - <i>Nemesis</i> spp. ....	65
(ccccc) Nemophila - <i>Nemophila insignis</i> .....	70
(ddddd) Nemophila, Spotted - <i>Nemophila maculata</i> .....	60
(eeee) Nicotiana - <i>Nicotiana affinis</i> , <i>N. X sanderae</i> , <i>N. sylvestris</i> .....	65
(fffff) Nierembergia - <i>Nierembergia</i> spp. ....	55

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## Standards

<u>Kind</u>	<u>% Germination</u>
(ggggg) Nigella - <i>Nigella damascena</i> .....	55
(hhhhh) Pansy - <i>Viola tricolor</i> .....	60
(iiii) Penstemon - <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> , <i>P. laevigatus</i> , <i>P. pubescens</i> .....	60
(jjjjj) Petunia - <i>Petunia</i> spp. ....	45
(kkkkk) Phacelia - <i>Phacelia campanularia</i> , <i>P. minor</i> , <i>P. tanacetifolia</i> .....	65
(lllll) Phlox, annual - <i>Phlox drummondii</i> (all types and varieties) .....	55
(mmmmm) Physalis - <i>Physalis</i> spp. ....	60
(nnnnn) Platycodon (balloon flower) - <i>Platycodon</i> <i>grandiflorus</i> .....	60
(ooooo) Plumbago, Cape - <i>Plumbago capensis</i> .....	50
(ppppp) Ponytail - <i>Beaucarnea recurvata</i> .....	40
Poppy:	
(qqqqq) Shirley poppy - <i>Papaver rhoeas</i> ; Iceland poppy - <i>P. nudicaule</i> ; Oriental poppy - <i>P. orientale</i> ; Tulip Poppy - <i>P. glaucum</i> .....	60
(rrrrr) Portulaca - <i>Portulaca grandiflora</i> .....	55
(sssss) Primula (primrose) - <i>Primula</i> spp. ....	50
(ttttt) Pyrethrum (painted daisy) - <i>Tanacetum coccineum</i> ; (syn. <i>Pyrethrum coccineum</i> ) .....	60
(uuuuu) Salpiglossis - <i>Salpiglossis gloxinaeflora</i> , <i>S. sinuata</i> .....	60
Salvia:	
(vvvvv) Scarlet Sage - <i>Salvia splendens</i> ; Mealycup Sage (Blue Bedder) - <i>Salvia farinacea</i> .....	50
(wwwww) Saponaria - <i>Saponaria ocymoides</i> , <i>S. vaccaria</i> .....	60
(xxxxx) Scabiosa, Annual - <i>Scabiosa atropurpurea</i> .....	50
(yyyyy) Scabiosa, Perennial - <i>Scabiosa caucasica</i> .....	40
(zzzzz) Schizanthus - <i>Schizanthus</i> spp. ....	60
(aaaaa)*Sensitive Plant (mimosa) - <i>Mimosa pudica</i> .....	65
(bbbbbb) Shasta Daisy - <i>Leucanthemum X superbum</i> ; (syn. <i>Chrysanthemum maximum</i> ) .....	65

## Chapter 40-12-3

## Standards

<u>Kind</u>	<u>% Germination</u>
(ccccc) Silk Oak - <i>Grevillea robusta</i> .....	25
(ddddd) Snapdragon - <i>Antirrhinum</i> spp. ....	55
(eeeeee) Sneezeweed - <i>Helenium autumnale</i> .....	40
(ffffff) Solanum - <i>Solanum</i> spp. ....	60
(gggggg) Statice - <i>Limonium sinuata</i> (Flower Heads) .....	50
Stocks:	
(hhhhh) Common - <i>Matthiola incana</i> ; Evening Scented - <i>Matthiola bicornis</i> .....	65
(iiiiii) Sunflower - <i>Helianthus</i> spp. ....	70
(jjjjj) Sunrose - <i>Helianthemum</i> spp. ....	30
*Sweet Pea:	
(kkkkkk) Annual and Perennial other than Dwarf Bush - <i>Lathyrus odoratus</i> , <i>L. latifolius</i> .....	75
(lllll)*Sweet Pea, dwarf bush - <i>Lathyrus odoratus</i> .....	65
(mmmmm) Tahoka Daisy - <i>Machaeanthra</i> <i>tanacetifolia</i> .....	60
(nnnnn) Thunbergia - <i>Thunbergia alata</i> .....	60
(ooooo) Torch Flower - <i>Tithonia speciosa</i> .....	70
(ppppp) Torenia (wishbone flower) - <i>Torenia fournieri</i> .....	70
(qqqqqq) Tritoma - <i>Kniphofia</i> spp. ....	65
(rrrrrr) Verbena, annual - <i>Verbena X hybrida</i> .....	35
(sssss) Vinca - <i>Catharanthus roseus</i> .....	60
(ttttt) Viola - <i>Viola cornuta</i> .....	55
(uuuuu) Virginian stocks - <i>Malcolmia maritima</i> .....	65
(vvvvv) Wallflower - <i>Erysimum hieracifolium</i> (syn. <i>Cheiranthus allioni</i> ) .....	65
(wwwww) Yucca (Adam's needle) - <i>Yucca filamentosa</i> .....	50
Zinnia:	
(xxxxxx) (except Linearis and Creeping) - <i>Zinnia</i> <i>angustifolia</i> , <i>Z. elegans</i> , <i>Z. grandiflora</i> , <i>Z. gracillima</i> , <i>Z. haegeana</i> , <i>Z. multiflora</i> , <i>Z. pumila</i> .....	65

**Chapter 40-12-3**

**Standards**

<u>Kind</u>	<u>% Germination</u>
(yyyyyy) Linearis and Creeping - <i>Zinnia linearis</i> , <i>Sanvitalia procumbens</i> .....	50

(2) Flower seed kinds not listed shall have a germination standard of 50%.

(3) Flower seeds that germinate less than the standard may be sold, offered for sale, exposed for sale, or transported within this State if labeled with the words below standard in not less than 8-point type, provided that no seed marked below standard shall be sold if it falls below 30% germination.

(4) A mixture of flower seed kinds will be considered to be below the standard if the germination of any kind or combination of kinds constituting 25% or more of the mixture is below standard for the kind or kinds involved.

Authority O.C.G.A. 2-11-22.

**RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE  
SEED DIVISION**

**CHAPTER 40-12-4  
LIMITATIONS ON NOXIOUS WEED SEEDS**

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**40-12-4-.01 Limitations on Noxious Weed Seeds**

**40-12-4-.01 Limitations on Noxious Weed Seeds.** It is unlawful to sell, offer for sale, or expose for sale, any agricultural or vegetable seed for planting purposes in this State if the noxious weed seeds per pound of pure seed is in excess of the following limitations:

**(a) Prohibited Noxious Weed Seeds.**

<u>Name</u>	<u>Limitations</u>
1. Balloonvine ( <i>Cardiospermum halicacabum</i> ) .....	Prohibited
2. Bindweed, field ( <i>Convolvulus arvensis</i> ) .....	Prohibited
3. Bindweed, hedge ( <i>Calystegia sepium</i> ) .....	Prohibited
4. Cocklebur ( <i>Xanthium spp.</i> ) .....	Prohibited
5. Crotalaria ( <i>Crotalaria spp.</i> ) .....	Prohibited
6. Morningglory, Giant or Moonflower ( <i>Ipomoea turbinata</i> ) .....	Prohibited
7. Nutsedge, purple ( <i>Cyperus rotundus</i> ) .....	Prohibited
8. Nutsedge, yellow ( <i>Cyperus esculentus</i> ) .....	Prohibited
9. Tropical Soda Apple ( <i>Solanum viarum</i> ) .....	Prohibited
10. Tussock, serrated ( <i>Nassella trichotoma</i> ) .....	Prohibited

**(b) Restricted Noxious Weed Seeds.**

<u>Name</u>	<u>Limitations</u>
1. Bermudagrass ( <i>Cynodon dactylon</i> ) .....	300 per pound
2. Blueweed ( <i>Helianthus ciliaris</i> ) .....	200 per pound

<u>Name</u>	<u>Limitations</u>
3. Cheat or Chess ( <i>Bromus commutatus and/or Bromus secalinus</i> ) .....	300 per pound
4. Corncockle ( <i>Agrostemma githago</i> ) .....	100 per pound
5. Darnel ( <i>Lolium temulentum</i> ) .....	200 per pound
6. Dock ( <i>Rumex spp.</i> ) .....	100 per pound
7. Dodder ( <i>Cuscuta spp.</i> ) .....	100 per pound
8. Foxtail, giant ( <i>Setaria faberi</i> ) .....	100 per pound
9. Horsenettle ( <i>Solanum carolinense</i> ) .....	200 per pound
10. Johnsongrass ( <i>Sorghum halepense</i> ) .....	100 per pound
11. Knapweed, Russian ( <i>Acroptilon repens</i> ) .....	100 per pound
12. Mustard, wild and turnips ( <i>Brassica spp.</i> ) except for Winter Rape, <i>Brassica napus</i> var. <i>biennis</i> , and Rape, <i>B. rapa</i> var. <i>rapa</i> .....	27 per pound
13. Nightshade, Silverleaf or Purple ( <i>Solanum elaeagnifolium</i> ) .....	200 per pound

14. Onion, wild or wild garlic ( <i>Allium spp.</i> ).....	27 per pound
15. Panicum, Texas or Texas millet ( <i>Panicum texanum</i> ) .....	27 per pound
16. Plantain, bracted ( <i>Plantago aristata</i> ).....	200 per pound
17. Plantain, buckhorn ( <i>Plantago lanceolata</i> ).....	200 per pound
18. Quackgrass ( <i>Elytrigia repens</i> ) .....	100 per pound
19. Radish, wild ( <i>Raphanus raphanistrum</i> ).....	27 per pound
20. Rice, red ( <i>Oryza rufipogon</i> ).....	300 per pound
21. Sandbur, field ( <i>Cenchrus incertus</i> ).....	27 per pound
22. Sorghum almum ( <i>Sorghum X almum</i> ) .....	100 per pound
23. Sorrel, red or sheep ( <i>Rumex acetosella</i> ) .....	200 per pound
24. Thistle, blessed ( <i>Cnicus benedictus</i> ).....	9 per pound
25. Thistle, Canada ( <i>Cirsium arvense</i> ).....	100 per pound

(c) **Sum total of Noxious Weed Seeds**..... 300 per pound

Authority O.C.G.A. 2-11-21.



**RULES  
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SEED DIVISION**

**CHAPTER 40-12-5  
LABELING REQUIREMENTS**

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- 40-12-5-.02 Label or Tag Requirements
- 40-12-5-.03 Seed in Hermetically Sealed Containers
- 40-12-5-.04 Labeling Kind and Variety or Type and Performance  
Characteristics of Flower Seeds

**40-12-5-.01 Label Format.** Analysis tags or labels shall substantially comply with the following formats, according to the kind being marketed.

**(a) Agricultural Seed Label Format.**

Kind & Variety _____	
Where Grown _____	Net Wt. ____ Lot. No. ____
Pure Seed _____%	Germination _____%
Inert Matter _____%	Hard or Dormant Seed _____%
Other Crop Seed ____%	Total Germ. & Hard or Dormant Seed ____%
Weed Seed _____%	Date of Test _____, 19__
Name and Number of Noxious Weed Seed Per Pound _____	
Name _____	
Address _____	

Chapter 40-12-5 Labeling Requirements

## Labeling Requirements

**(b) Mixed Agricultural Seed Label Format.**

Seed Mixture _____ Lot No. _____ Where Grown _____ Net Wt. _____				
Kind & Variety	Pure Seed Percent	Germination Percent	Hard or Dormant Seed Percent	Date of Test
Inert _____% Other Crop Seed _____% Weed Seed _____%				
Name and Number of Noxious Weed Seed Per Pound _____				
_____ Name _____				
_____ Address _____				
_____				

(c) **Vegetable Seed Label Format** for containers of more than one pound.

Kind & Variety _____	Lot No. _____
_____ Date of Test ____, 19 ____	Germination _____%
Hard or Dormant Seed ____%	
Name _____	Address _____
_____	

## Chapter 40-12-5

## Labeling Requirements

(d) **Flower Seed Label Format** for containers other than packets and other than preplanted containers, mats, tapes, or other planting devices and not prepared for use in home flower gardens or household plantings.

Kind & Variety or Type & Performance
Characteristics _____
Net Wt. or Seed Count _____
Lot No. _____ Date of Test _____, 19____
Germination _____% Hard or Dormant Seed _____%
Name & Address _____

Authority O.C.G.A. 2-11-28.

### 40-12-5-.02 Label or Tag Requirements.

#### (1) Requirements for Labeling Tags and Records.

- (a) Abbreviations in labeling are not permitted.
- (b) All information required on the analysis tag shall be placed on one side of the label and no other information shall be placed on the tag with the analysis.
- (c) All information required on the analysis tag shall be truthful and not misleading or illegible.
- (d) A complete analysis shall be given on labeling tags and the purity component percentages must total one hundred (100) percent. Blank spaces or incomplete analyses are not permitted. Either numerals or the word "none" shall be used to express a percentage or number per pound.
- (e) All invoices and records pertaining to the shipment or sale of seed shall show each lot number.

**(2) Descriptive Information.**

(a) Descriptive information that may be misleading when associated with the variety and kind names on the label shall be separated from the latter by placing in parentheses. Terms descriptive as to color, shape, size, habit of growth, disease-resistance, or other characteristics of the kind or variety may be associated with the name of the kind or variety provided it is done in a manner which clearly indicates the descriptive term is not a part of the name of the kind or variety; for example, Oshkosh pepper (yellow), Copenhagen Market (round head) cabbage, and Kentucky Wonder (pole) garden bean.

(b) Terms descriptive of the manner or method of production or processing the seed (for example, certified, registered, delinted, scarified, treated, and hulled), may be associated with the name of the kind or variety of seed, providing such terms are not misleading.

(c) The place of origin shall not be used in connection with the variety or kind names, unless it is a part of the generally recognized name of variety or kind.

(3) **Hybrid Seed.** Seed shall not be designated in labeling as "hybrid" seed unless it comes within the definition of "hybrid" in Code section 2-11-21.

**(4) Brand Names.**

(a) Brand names and terms taken from trademarks may be associated with the name of the kind or variety of seed as an indication of source: *Provided*, that the terms are clearly identified as being other than a part of the name of the kind or variety; for example, Ox Brand Golden Cross sweet corn.

(b) Seed shall not be advertised under a trademark or brand name in any manner that may create the impression that the trademark or brand name is a variety name.

(c) If seed advertised under a trademark or brand name is a mixture of varieties and if the variety names are not stated in the advertising, a description similar to a varietal description or a comparison with a named variety shall not be used if it creates the impression that the seed is of a single variety.

**(5) Origin.**

(a) 'Origin' or 'where grown' shall be shown on the label for agricultural seed. Whenever such seed originates in more than one state, the name of each state shall be shown on the label.

(b) In the case of an agricultural seed mixture, a single origin may be shown on the label if it applies to all pure seed components in the mixture, but if the pure seed components of the mixture originate from different states, origin shall be stated separately for each such component.

**(6) Lawn and Turf Seed Mixtures.**

(a) Pursuant to Code section 2-11-22, seed mixtures intended for lawn and turf purposes shall be designated as 'mixed' or 'mixture' on the label.

(b) Seed mixture components as illustrated in Rule section 40-12-5-.01(b) must be labeled in columnar form and in order of predominance to show the commonly accepted name of kind, variety, origin and percentage by weight of each in excess of 5 percent of the whole.

**(7) Open Containers of Seed.**

(a) Open containers of agricultural seed or of more than one pound of vegetable seed shall be deemed to have met labeling requirements if the seed is weighed from a properly labeled container in the presence of \_\_\_\_\_ the \_\_\_\_\_ purchaser.

## Chapter 40-12-5

## Labeling Requirements

(b) If the seed is treated with a pesticide, an appropriate treatment label pursuant to Code section 2-11-22 shall be displayed on the open container and a copy of the treatment labeling shall be provided with all seed sold from that container.

(8) **Colorant Dyeing of Treated Seed.** All seed bearing a seed treatment in excess of a recognized tolerance or for which no tolerance or exemption from tolerance is recognized by the Federal Food, Drug and Cosmetic Act shall be denatured by a suitable colorant dye to impart an unnatural color to the seed to prevent their subsequent use as food for man or animal.

(9) **Use of Disclaimers.** A disclaimer, nonwarranty, or limited warranty used in any invoice or other labeling, or advertisement shall not directly or indirectly deny or modify any information required by the Georgia Seed Law, Rules and Regulations.

(10) **Mixed Cowpeas.** Cowpeas (a.k.a. southernpeas) consisting of mixed varieties may be sold by labeling them as "mixed cowpeas" or "mixed southernpeas." The percentage of pure seed shall represent all cowpeas and a germination test shall be based on a uniform sample of all varieties in the seed lot. Cowpeas shall be labeled "mixed" when they contain more than one other variety or a combination of other varieties in excess of five (5) percent by weight.

(11) **Soybean Lots Containing Cowpeas.** Soybean seed lots containing cowpeas or southernpeas are prohibited from being sold, offered for sale, exposed for sale or transported within this state.

(12) **Labeling Hard Seed or Dormant Seed.** Pursuant to Code section 2-11-22, when hard seed or dormant seed occurs in a seed lot, the label shall show the percentage of such in addition to the percent germination. Following this information, the 'total germination and hard seed' or 'total germination and dormant seed' may be stated as such, if desired.

## Chapter 40-12-5

## Labeling Requirements

(13) **Relabeling Expired Tags.** Relabeling expired tags by obtaining a new germination test and subsequently updating or replacing the old tag is the responsibility of the dealer on whose premises the seed are located. The following information shall appear on a label for relabeling seeds in their original containers:

(a) The calendar month and year the germination test was completed to determine such percentage.

(b) For those seed kinds requiring percent germination to be shown, the percent germination plus hard or dormant seed, as reported for the new germination test.

(c) The same lot designation as on the original labels.

(d) The identity of the labeling person if different from the original labeler.

Authority O.C.G.A. 2-11-28.

### 40-12-5.03 Seed in Hermetically Sealed Containers.

(1) Agricultural or vegetable seeds packaged in hermetically sealed containers may be sold, exposed for sale, or offered for sale or transportation for a period of 24 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically sealed containers are sold, exposed for sale, or offered for sale or transportation more than 24 months after the last day of the month in which they were tested prior to packaging, they must have been retested within a nine (9) month period, exclusive of the calendar month in which the retest was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

(2) The following standards, requirements and conditions must be met before seed is considered to be hermetically sealed under the provisions of this Act.

## Chapter 40-12-5 Labeling Requirements

(a) The seed was packaged within 9 months after harvest.

(b) The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100° F. with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration or WVP is measured by the standards of the U. S. Bureau of Standards as:

gm.H<sub>2</sub>O/24 hr./100 sq. in./100°F./90% RH v.0% RH

(c) The seed in the container shall not exceed the percent moisture, on a wet weight basis, as listed below:

### Maximum Percent

1. <u>Agricultural Seeds</u>	<u>Seed Moisture</u>
(i) Beet, Field.....	7.5
(ii) Beet, Sugar.....	7.5
(iii) Bluegrass, Kentucky.....	6.0
(iv) Clover, Crimson .....	8.0
(v) Fescue, Red.....	8.0
(vi) Ryegrass, Annual.....	8.0
(vii) Ryegrass, Perennial .....	8.0
(viii) All others .....	6.0
(ix) Mixture of above kinds .....	8.0

### Maximum Percent

2. <u>Vegetable Seeds</u>	<u>Seed Moisture</u>
(i) Bean, Garden .....	7.0
(ii) Bean, Lima .....	7.0
(iii) Beet .....	7.5
(iv) Broccoli.....	5.0
(v) Brussels Sprouts.....	5.0
(vi) Cabbage .....	5.0
(vii) Carrot .....	7.0
(viii) Cauliflower .....	5.0

## Chapter 40-12-5

## Labeling Requirements

### Maximum Percent

### Seed Moisture

2. <u>Vegetable Seeds</u>	<u>Seed Moisture</u>
(ix) Celeriac.....	7.0
(x) Celery .....	7.0
(xi) Chard, Swiss.....	7.5
(xii) Chinese Cabbage.....	5.0
(xiii) Chives.....	6.5
(xiv) Collards .....	5.0
(xv) Corn, Sweet.....	8.0
(xvi) Cucumber.....	6.0
(xvii) Eggplant .....	6.0
(xviii) Kale .....	5.0
(xix) Kohlrabi.....	5.0
(xx) Leek.....	6.5
(xxi) Lettuce.....	5.5
(xxii) Muskmelon.....	6.0
(xxiii) Mustard, India .....	5.0
(xxiv) Onion.....	6.5
(xxv) Onion, Welsh .....	6.5
(xxvi) Parsley .....	6.5
(xxvii) Parsnip.....	6.0
(xxviii) Pea .....	7.0
(xxix) Pepper.....	4.5
(xxx) Pumpkin .....	6.0
(xxxi) Radish.....	5.0
(xxxii) Rutabaga.....	5.0
(xxxiii) Spinach .....	8.0
(xxxiv) Squash.....	6.0
(xxxv) Tomato .....	5.5
(xxxvi) Turnip.....	5.0
(xxxvii) Watermelon.....	6.5
(xxxviii) All others .....	6.0

(d) The container is conspicuously labeled in not less than 8-point type to indicate:

## Chapter 40-12-5 Labeling Requirements

1. That the container is hermetically sealed;
2. That the seed has been preconditioned as to moisture content; and
3. The calendar month and year in which the germination test was completed.

(e) The percentage of seed germination at the time of packaging was equal to or above the standards specified elsewhere in this Act.

Authority O.C.G.A. 2-11-23.

**40-12-5-.04 Labeling Kind and Variety or Type and Performance Characteristics of Flower Seeds.** The requirements of Code section 2-11-22(i) of the Georgia Seed Law stating that flower seeds shall be labeled with, "the name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this Act," shall be met as follows:

- (a) For seeds of plants grown primarily for their blooms:
  1. If the seeds are of a single named variety, the kind and variety shall be stated, for example, "Marigold, Butterball."
  2. If the seeds are of a single type and color for which there is no specific variety name, the type of plant (if significant), and the type and color of bloom shall be indicated, for example, "Scabiosa, Tall, Large Flowered, Double, Pink."
  3. If the seeds consist of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant (if significant) and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or

assorted. An example of labeling such a mixture or assortment is "Marigold, Dwarf Double French, Mixed Colors."

4. If the seeds consist of an assortment or mixture of kinds or kinds and varieties, it shall be clearly indicated that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated, for example "Cut Flower Mixture," or "Rock Garden Mixture." Such statements as "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed shall not be considered as meeting the requirements of this provision unless the specific use of the mixture is also stated. Containers with over 3 grams of seed shall list the kind or kind and variety names of each component present in excess of 5.0% of the whole in the order of their predominance giving the percentage by weight of each. Components of 5.0% or less shall be listed but need not be in order of predominance. A single percentage by weight shall be given for these components. If no component of a mixture exceeds 5% of the whole, the statement "No component in excess of 5%" may be used. Containers with 3 grams of seed or less shall list the components without giving percentage by weight and need not be in order of predominance.

- (b) For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety shall be stated, or the kind shall be stated together with a descriptive statement concerning the ornamental part of the plant, for example, "Ornamental Gourds, Small Fruited, Mixed."

Authority O.C.G.A. 2-11-22.



**RULES  
OF THE  
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**CHAPTER 40-12-6  
SEED ARBITRATION**

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**40-12-6-.01 Scope of Arbitration.**

(1) Pursuant to Code section 2-11-70, arbitration of complaints of seed and commercial fruit and nut tree purchasers against seed and commercial fruit and nut tree sellers relating to the quality and performance of the seed and the identity of the variety of fruit and nut trees is mandatory as a prerequisite to the purchaser's right to maintain a legal action against the seller. The Seed Arbitration Council, as established in Code section 2-11-74, shall investigate, hold informal hearings, make findings and render recommendations in the nature of arbitration proceedings where damages suffered by seed and commercial fruit and nut tree purchasers are caused by the alleged failure of the seed to perform as represented or to conform to the description of the labeling thereof as required by law or to be the variety of fruit or nut tree represented by the seller. Pursuant to Code section 2-11-76, findings and recommendations of the Council are not required to be accepted by either the purchaser or seller of seed or commercial fruit or nut trees and are not admissible as evidence in litigation. However, in any litigation involving a complaint which has been the subject of arbitration, any party may

<p><b>NOTICE OF REQUIRED ARBITRATION</b></p> <p>Under the seed laws of several states arbitration is required as a</p>
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**Chapter 40-12-6**

**Seed Arbitration**

introduce Arbitration Council investigations and proceedings as the court may see fit.

(2) For the purpose of Seed Arbitration, "seed" is defined as stated in the Georgia Seed Law, Code section 2-11-21.

(3) For the purposes of Chapter 40-12-6 concerning commercial fruit and nut tree arbitration, the application of the term "seed" shall also apply to commercial fruit and nut trees.

(4) The use of a disclaimer or denial of warranty clause on any invoice, advertisement, label or labeling, or any other written, printed or graphic matter used in conjunction with the distribution of any seed shall not relieve or exempt any person from any provisions of seed arbitration according to the Georgia Seed Law.

Authority O.C.G.A. 2-11-77.

**40-12-6-.02 Label Notice.**

(1) The label or invoice language setting forth the requirement for filing an arbitration complaint under the Georgia Seed Law shall substantially comply with the format of the Recommended Uniform State Seed Law (RUSSL) of the Association of American Seed Control Officials (AASCO). A label or invoice notice in the following language or its equivalent shall be considered to be in compliance with O.C.G.A. 2-11-72(a).

prerequisite to maintaining a legal action against the seller of the seed in any dispute relating to the quality or performance of the seed sold. The purchaser shall file a complaint along with the required filing fee (where applicable) with the Commissioner or Chief Agricultural Officer within such time as to permit inspection of the crops, plant or trees by the designated agency and the seedsman from whom the seed was purchased. A copy of the complaint shall be sent to the seller by certified or registered mail or as otherwise provided by state statute.

## **Chapter 40-12-6**

## **Seed Arbitration**

(2) Additional information may be included for the purpose of providing more uniform labeling among the various states.

Authority O.C.G.A. 2-11-77.

### **40-12-6-.03 Council Members' Tenure.**

(1) In order to provide continuity of experience within the Seed Arbitration Council, members and alternates appointed in 1994 by the Georgia Cooperative Extension Service, the University of Georgia Experiment Stations and the Georgia Department of Agriculture shall have four (4) year terms expiring December 31, 1997. Members and alternates appointed in 1994 by the Georgia Farm Bureau Federation and the Georgia Seedsmen's Association shall have two (2) year terms expiring December 31, 1995. Thereafter, terms of all members and alternates shall be four (4) years. Notwithstanding the above, each member and alternate shall serve at the pleasure of and until their replacement is recommended by their appointing official.

(2) Each alternate may attend any council meeting or hearing but shall serve only in the absence of the member for which he or she is the designated alternate.

(3) Unexpired terms of members or alternates shall be refilled as soon as possible through appointment by their appointing official.

(4) Members and alternates may be reappointed after completion of any specified term.

Authority O.C.G.A. 2-11-77.

### **40-12-6-.04 Investigative Procedures.**

(1) Investigations of seed complaints officially filed shall be conducted only by Seed Arbitration Council members, alternates or persons designated by the Council.

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(2) The Seed Arbitration Council shall assemble and record all available facts pertinent to a seed complaint officially filed and shall obtain an official seed sample(s) for reference when available.

(3) Investigations of seed complaints officially filed shall include:

(a) Examination and evaluation of complainant's farming operation, including inspection of the affected crop in the field, the recording of crop field conditions, the taking of plant counts and photographs as appropriate and the completion of a written report thereon.

(b) Examination of seed seller's records pertaining to the seed lot in question, including seed conditioning, seed packaging and labeling and completion of a written report thereon.

(c) If a seed sample is available, varietal grow-out, pathological assay, or other evaluation as appropriate.

Authority O.C.G.A. 2-11-77.

### **40-12-6-.05 Hearing Procedures.**

(1) The Secretary of the Council shall be responsible for setting the tentative hearing date pursuant to Code section 2-11-75.

(2) Prior to scheduled hearings, the Secretary shall provide Council members and alternates with all seed complaint correspondence and investigation records.

(3) The informal hearing process shall provide a setting where each party involved in a seed dispute will be afforded the opportunity to present its side directly to the Council.

(4) Within ten (10) days of receipt of a response from the seller, the Council shall schedule an informal hearing. Notice shall be sent by certified or registered mail to all parties at least two (2) weeks prior to the scheduled hearing date.

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## **Seed Arbitration**

(5) Four (4) members and/or alternates shall constitute a quorum and such quorum shall be present for the conducting of all Council business.

(6) All hearings shall be recorded and may be transcribed at the discretion of and upon vote of the Council.

(7) Attorneys may be present at hearings, but shall not participate directly in the hearing.

(8) The following guidelines are recommended for hearing agendas but are not required:

(a) Call to Order by Chairperson or Acting Chairperson.

(b) Introductory remarks and reading of written complaint by Chairperson or other designated member.

(c) Complainant is provided opportunity to describe complaint, present relevant facts and present written estimate of loss.

(d) Seed seller(s) is provided opportunity to present response to seed complaint including presentation of relevant facts.

(e) Council members and/or alternates are provided opportunity to report field observations and present written report.

(f) Agricultural specialists assigned to investigate seed quality and crop are provided opportunity to present their report.

(g) Council members or serving alternates are provided opportunity to examine complainant or seller and obtain any other pertinent information relating to the complaint.

(h) Council receives and reviews any varietal grow-out test, pathological assays, or other evaluations, as required.

(i) Opportunity given for Council members and/or alternates and other participants to ask questions for clarification.

(j) All participants other than Council members and alternates are dismissed and Council deliberates on complaint and formulates recommendation in closed session.

(k) Council transmits findings and recommendations to the Commissioner within thirty (30) days of the hearing date. In such report, the council may make any recommendations it deems fair and equitable under the circumstances presented. These recommendations are up to the discretion of the council and may include, but are not limited to, the following:

1. That no action be taken;

2. That money damages be paid to the purchaser as a result of the alleged failure of the seed to conform to or perform as represented by the seed label, container, or invoice; or that money damages be paid to the purchaser of a commercial fruit or nut tree(s) as a result of the alleged failure of the tree(s) to be the variety represented to the purchaser. Such damages shall not be less than three times the purchase price in the case of fruit trees or six times the purchase price in the case of nut trees;

3. That the seller reimburse the purchaser for the amount of the filing fee paid to enter the arbitration process; or

4. Such other recommendation found by the council to be fair and equitable to the parties.

(l) The Commissioner transmits the Council's findings and recommendations to the affected parties by certified or registered mail.

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(m) Within thirty (30) days of the date the Commissioner mails the Council's decision to the purchaser and seller, the purchaser and seller shall give written notice to the Commissioner of their acceptance or rejection of the Council's recommendations.

(n) The Commissioner shall notify each party to the complaint of the acceptance or rejection by the purchaser and seller. If the Council's recommendations are rejected, the complainants are to be notified of their right to pursue legal action.

Authority O.C.G.A. 2-11-77.

## Charges for Seed Sample Assay

## Chapter 40-12-7

### **RULES OF GEORGIA DEPARTMENT OF AGRICULTURE SEED DIVISION**

#### **CHAPTER 40-12-7 CHARGES FOR SEED SAMPLE ASSAY**

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##### **40-12-7-.01 Charges for Seed Sample Assay**

**40-12-7-.01 Charges for Seed Sample Assay.** Pursuant to the Georgia Seed Law, Code section 2-11-25, seed samples shall be tested without charge for farmers who do not have a seed dealer's license. Other service samples shall be categorized and charges made according to the following:

(a) **Service Samples.** Charges for samples submitted from out-of-state sources or by Georgia seed dealers for service testing shall be made in accordance with a schedule established by the Commissioner. The schedule of charges shall be established immediately after the effective date of this rule in 1995 and in January of each third year thereafter.

(b) **Southern Region Plant Introduction Station Samples.** These USDA samples will be tested for germination and viability without priority in timing and as the sample load in the seed laboratories will permit. Sample testing and charges will be established periodically by contract.

(c) **Certification Seed Samples.** These samples shall be tested according to Georgia Crop Improvement Association standards and shall include samples submitted for the state certification program and the state foundation seed agency. No charge will be made for certification seed samples.

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## **Charges for Seed Sample Assay**

(d) **Research Samples.** No charges will be made for samples submitted by the seed trade or government agencies for research toward improving agriculture.

(e) **Referee and Standardization Samples.** No charges will be made for samples submitted for comparative referee tests and methods' standardization to promote uniformity in seed testing. Authority O.C.G.A. 2-11-25.

## **Seed Dealer License Fees**

## **Chapter 40-12-8**

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#### **40-12-8-.01 Seed Dealer License Fees**

**40-12-8-.01 Seed Dealer License Fees.** Pursuant to Code section 2-11-26, during August, 1997, each retail and wholesale seed dealer shall apply for a separate license for each point of sale from which seed are sold, offered for sale, or exposed for sale. Out-of-state wholesale and retail seed dealers who sell or ship seed into this state shall obtain a single license for their headquarters' location in the same manner. Application for license is made on forms supplied through the Seed Division of the Georgia Department of Agriculture. License applicants shall be assessed a fee of \$50 for each three (3) year license period or any portion thereof. All licenses shall expire on July 31, 2000, and every third year thereafter.  
Authority O.C.G.A. 2-11-26.

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